

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. MARK UDALL OF COLORADO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bristol, Congressional Aide, Office of the Honorable MARK UDALL of Colorado, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN BRISTOL,  
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. MARK UDALL OF COLORADO, MEMBER OF CONGRESS

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HOUSE OF REPRESENTATIVES,  
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

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Sincerely,

CARTER ELLISON,  
Congressional Aide.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1388) to amend the National Trails System Act to designate the

Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1388

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Star-Spangled Banner National Historic Trail Act".*

**SEC. 2. AUTHORIZATION AND ADMINISTRATION OF TRAIL.**

*Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:*

*"( ) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—*

*"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.*

*"(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.*

*"(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.*

*"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.*

*"(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—*

*"(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and*

*"(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.*

*"(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—*

*"(i) carrying out preservation and development of the trail; and*

*"(ii) providing education relating to the War of 1812 along the trail."*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1388 would designate the Star-Spangled Banner Trail in Maryland, Virginia, and the District of Columbia as a National Historic Trail to commemorate the events of the Chesapeake campaign during the War of 1812. The bill was introduced by my colleague on the Natural Resources Committee, Mr. SARBANES of Maryland, who is a valued member of our National Parks, Forests and Public Lands Subcommittee.

The Star-Spangled Banner National Historic Trail designated by H.R. 1388 would follow the historic routes used by British and American troops during the war. The National Park Service supports this designation, as do an impressive array of State and local governments and numerous private organizations.

Mr. Speaker, as the bicentennial of the War of 1812 approaches, this historic trail will help Americans retrace some of the crucial events of a war that fashioned our Nation's character. Mr. SARBANES has done great work on this measure, and I urge my colleagues to support the bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

We cannot support H.R. 1388 for a number of reasons. To start, a more apt description of this bill is the "Trail With No Beginning or End." It sprawls over a 200-mile radius, has countless possible routes, and isn't even continuous. How can the public possibly support a trail when the National Park Service doesn't even know where the trail is? The American people deserve transparency in the legislation we create.

More importantly, if this legislation were to become law along with Chairman RAHALL's Energy Policy Reform and Revitalization Act, the outcome would be devastating to people living within 100 miles of this Chamber. Section 103 of that bill, which could be debated on the floor next week, prevents desperately needed energy corridors from being designated within 1 mile of historic areas such as this proposed Federal trail. Edison Electric Institute, whose members represent 67 percent of all electric customers nationwide, recently submitted a statement to the Natural Resources Committee. It states: "New and arbitrary siting restrictions established by section 103 of H.R. 2337 . . . could have negative impacts far beyond the effects envisioned by many proponents of such designations." It clearly lays out the ramifications of the majority's unsound energy policy coupled with Federal designations such as this proposed trail.

At this point, I will include this statement in the CONGRESSIONAL RECORD.

STATEMENT OF THE EDISON ELECTRIC INSTITUTE WITH RESPECT TO LEGISLATION TO DESIGNATE SEVERAL NEW NATIONAL HERITAGE AREAS

The Edison Electric Institute (EEI) appreciates the opportunity to provide comments with respect to proposed legislation to designate additional National Heritage Areas for inclusion in the record of the July 12 hearing. EEI appreciates the importance of such designations for encouraging tourism and expanding opportunities for Americans to learn about and experience the richness of American history. In making such designations, we believe it is important for Congress to assure that these designations do not become an automatic impediment to the siting of infrastructure necessary to provide essential services that are critical to American consumers and a productive and competitive American economy. Towards that end, EEI would be pleased to work with the Committee to develop language that would address the concern.

EEI is the association of U.S. shareholder-owned electric companies. Our members serve 92% of the ultimate customers in the shareholder-owned segment of the industry and represent approximately 67% of all electric utility customers nationwide. As such, EEI's member companies are charged with assuring that Americans continue to receive reliable, reasonably-priced electricity. Fulfilling this responsibility requires a robust electricity transmission grid. Yet, recent long term reliability assessments of the grid by the North American Electric Reliability Corporation (NERC) and the August 2006 congestion study by the Department of Energy (DOE) confirm that additional transmission capacity is necessary. Our growing economy, expanding population, increasing use of efficient electric technologies, and demand for renewable and clean coal generation resources require expansion of the transmission grid.

As proposals to designate National Heritage Areas have increased and the geographic areas proposed for inclusion in the heritage areas have expanded to include hundreds of square miles comprising major portions of states throughout the country, EEI believes that it is important for Congress to address the potential conflict between these designations and the equally important responsibility to assure that the most basic and critical infrastructure needs of localities, regions and the nation can be met. Under the best of circumstances, electric transmission and other infrastructure facilities are extraordinarily difficult to site, can take many years to complete, and necessarily involve a balancing of interests. The length of time it takes to site the facilities does not come without a cost. For example, already some of our largest population centers are experiencing significantly higher electricity costs because of a congested electricity grid. Siting complications also affect the cost of capital and overall project costs—costs that are ultimately born by the electricity consumer.

Legislation proposing National Heritage Area designations generally leave this potential conflict unaddressed or allow the unelected private management boards of each heritage area to decide what would be considered an adverse impact on the heritage area. Thus we are concerned that heritage designations could be used to block the siting of needed infrastructure.

Of related concern, the House Committee on Natural Resources recently reported H.R. 2337, "The Energy Policy Reform and Revitalization Act of 2007." Section 103 of that bill would halt current federal agency reviews of areas suitable for energy trans-

mission corridors across federal land, and it would establishing as a principle that rights-of-way for energy facilities cannot be sited "within one mile of any [area] designated or otherwise identified by State or Federal law or any applicable Federal or State land use plan for recognition or protection of scenic, natural, cultural, or historic resources. . . ." The Secretaries of Agriculture, Commerce, Energy, Defense, and Interior would be required to complete and regularly update a study in which these protected areas are identified and made off limits, and use of that study is made mandatory when right-of-way decisions are made.

EEI is deeply concerned that Section 103 will halt recent progress underway to plan for new energy facilities that will be needed to transmit electricity to American consumers where that goal cannot be accomplished without crossing federal land. We believe that planning for such facilities is the best way to assure that the facilities can be accommodated in a way that is compatible with the other significant values for which federal land is managed.

Furthermore, because of the new and arbitrary siting restrictions established by Section 103 of H.R. 2337, if it were enacted into law, heritage area designations covering large areas could have negative impacts far beyond the effects envisioned by many proponents of such designations. For example, there are regions of this country in which currently proposed heritage area designations, in light of Section 103, would make it impossible to import electricity produced from renewable energy resources and clean coal facilities to urban population centers where such power is in demand. Yet, geographic, population, zoning, environmental, and other constraints make it virtually impossible to locate new generating facilities to meet local demand in these urban areas.

EEI firmly believes that, given the projected vulnerabilities in the nation's electricity grid that have been identified for the next five to fifteen years, the Congress should not—as it does in Section 103—be establishing new and arbitrary barriers to the siting or upgrading of transmission facilities.

Given the importance of electric transmission and other infrastructure to serve our nation, while also recognizing the value of National Heritage Area designations to local and state economies and historic preservation, we strongly urge the Subcommittee and Congress to resolve the potential for conflict between the benefits of such designations and the need for basic, critical infrastructure.

H.R. 1388, coupled with the Democrats' "No Energy Policy" bill, has the effect of leaving millions of people across the United States in the dark. I urge my colleagues to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. GRIJALVA. Mr. Speaker, at this time I yield such time as he may consume to the sponsor of the legislation, my colleague from the Natural Resources Committee, Representative JOHN SARBANES.

Mr. SARBANES. I thank my colleague for yielding his time.

Mr. Speaker, I rise to ask for my colleagues' support of the Star-Spangled Banner National Historic Trail Act.

At the outset, I would like to thank Chairman GRIJALVA and Chairman RAHALL for their support of this bill all through the process.

This legislation is the product of thorough study and planning by interested parties such as the Park Service; local jurisdictions in Maryland, Virginia and the District of Columbia; and historians and experts on the War of 1812.

There are too many to mention here, but over several years these individuals have been dedicated advocates for creating the Star-Spangled Banner Trail. This legislation represents the culmination of their efforts and hard work.

With the bicentennial of the War of 1812 fast approaching us, now is the time to pass the legislation and begin the process of implementing the Star-Spangled Banner Trail, which will measurably enhance the celebration of one of the seminal moments in American history.

The Star-Spangled Banner Trail, through the Park Service at the Fort McHenry National Monument and Shrine, would commemorate the routes used by the British and Americans during the 1812 Chesapeake Campaign of the War of 1812.

The trail, which, in fact, is quite clearly demarcated, would begin with the June 1814 battles between the British Navy and the American Chesapeake Flotilla in St. Leonard's Creek in Calvert County, Maryland, and end at Fort McHenry, where Francis Scott Key composed our national anthem as he witnessed the Battle of Baltimore and the British met their ultimate defeat. It would also mark the British invasion of Washington, D.C., the burning of the Capitol and the White House, and other battles in between.

Mr. Speaker, this legislation has special meaning for me because of the time I spent growing up in Baltimore and the long relationship my family has had with the centerpiece of the trail, Fort McHenry. On countless occasions, I've enjoyed the fort's history, its vistas of the Chesapeake Bay, and the surrounding wetlands. I highly recommend that Members visit the site themselves.

Many refer to the War of 1812 as the "second war of independence." When the war began, our fragile experiment in democracy was still in its early stages, and the Nation found itself under attack from one of the most powerful countries in the world. Many wondered whether a democracy could hold together through the trials of war. The War of 1812 proved that it could, and set the stage for the spread of democracy around the world.

I urge my colleagues to support the bill. And I yield my time back, again, with many thanks to Chairman GRIJALVA for his strong support.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr.

GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1388, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND CONVEYANCE

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 761) to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as a historical interpretive site along the trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 761

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—*The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of two parcels as generally depicted on the map titled "Lewis and Clark National Historic Trail", numbered 648/80,002, and dated March 2006.*

(b) SURVEY; CONVEYANCE COST.—*The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.*

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—*The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.*

(d) DISCONTINUANCE OF USE.—*If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.*

(e) ADDITIONAL TERMS AND CONDITIONS.—*The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.*

(f) AUTHORIZATION OF APPROPRIATIONS.—*To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated \$150,000 per year for a period not to exceed 10 years.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. McMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 761, sponsored by Representative FORTENBERRY of Nebraska, would transfer to a nonprofit foundation an existing visitor center for the Lewis and Clark Historic Trail in Nebraska. The legislation turns the site over to the nonprofit entity which currently manages the facility in partnership with the National Park Service.

This measure includes a reversionary clause and other safeguards to protect the Federal investment in the center.

We have no objection to H.R. 761 and support its passage by the House today.

Mr. Speaker, I reserve the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 761 and yield myself such time as I may consume.

H.R. 761 has been adequately explained by the majority. I am pleased that Mr. FORTENBERRY has brought us this legislation that will benefit both his constituents and taxpayers across the Nation.

Mr. SMITH of Nebraska. Mr. Speaker, along with my colleagues from Nebraska, I am pleased to offer my support for H.R. 761, a bill that would authorize the conveyance of certain federal lands by the Secretary of Interior to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. and authorize the appropriation of annual funds to operate the Center.

The journey of Meriwether Lewis and William Clark does not belong to Nebraska, but to all of America.

The Lewis and Clark Interpretive Center features descriptions of 178 plants and 122 animals recorded by Lewis and Clark during their explorations.

This center should be a destination for any person who is interested in American history, in the species of flora and fauna then found in the unexplored regions of our country, or in the spirit of expansion that helped form our country.

I urge my colleagues to join me in supporting this bill authorizing the transfer of Federal lands associated with the Lewis and Clark National Historic Trail in Nebraska to the private nonprofit foundation. It is a valuable resource for every American.

Mr. FORTENBERRY. Mr. Speaker, I am pleased to offer my strong support for H.R. 761, a bill to authorize the Secretary of the Interior to convey a Lewis and Clark visitor center in my district from the National Park Service to a well-respected non-profit organization. As the sponsor of this bill, I encourage my colleagues to support this important legislation.

I would like to begin by expressing my sincere appreciation to the distinguished gentleman from West Virginia (Mr. RAHALL), the Chairman of the House Committee on Natural Resources and the distinguished gentleman from Alaska (Mr. YOUNG), the Ranking Member on the Committee, as well as the distinguished gentleman from Arizona (Mr. GRIJALVA), the Chairman of the National Parks, Forests and Public Lands Subcommittee, and the distinguished gentleman from Utah (Mr. BISHOP), the Ranking Member on the Subcommittee for their outstanding work in bringing this legislation to the floor.

The Lewis and Clark Interpretive Trail and Visitor Center is the culmination of a vision that was outlined 20 years ago. Starting with the efforts of former Congressman Doug Bereuter, the Center's completion required a great deal of hard work and dedication for which the entire Nebraska City community should be proud.

I would also like to take this opportunity to express my gratitude to Nancy Hoch from Nebraska City, who has played such a key role in the construction of the visitor center and its ongoing operation. Her vision and leadership have been instrumental in making the center such an outstanding success.

The bill is very straightforward. It would simply convey certain federal land near Nebraska City associated with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center to the related non-profit group, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. The bill also authorizes \$150,000 annually for 10 years to operate the facility. This legislation would actually save the federal government about \$50,000 a year since the National Park Service currently provides about \$200,000 for the center.

It is important to note that I worked with the National Park Service in drafting the language for the bill and this proposed conveyance fits with the long-range plans for the center. I also believe that it would be the most cost-effective option for the Park Service.

H.R. 761 is cosponsored by both of my colleagues from Nebraska, Representatives LEE TERRY and ADRIAN SMITH. A companion bill in the Senate, S. 471, has the support of both Nebraska senators, CHUCK HAGEL and BEN NELSON.

The Interpretive Trail and Visitor Center is an outstanding resource and impressive facility. The non-profit organization associated with it includes a committed group of individuals who have spent many years making the center a reality and ensuring that it provides a meaningful and educational experience for those who visit. This legislative action is needed to fulfill the original plan for operating the visitor center.

The Missouri River Basin Lewis and Clark Interpretive Center is truly unique. It is the only visitor center or museum in the United States to focus on the flora and fauna and scientific discoveries recorded by Lewis and Clark.